

#200C  
9/11

RESOLUTION NUMBER R- 311305

DATE OF FINAL PASSAGE SEP 27 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE APPROVAL OF THE AMENDMENTS TO THE SAN DIEGO MUNICIPAL CODE ALLOWING MARIJUANA PRODUCTION FACILITIES IS STATUTORILY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PURSUANT TO CALIFORNIA BUSINESS AND PROFESSIONS CODE SECTION 26055(h).

WHEREAS, the City desires to amend the San Diego Municipal Code to allow marijuana production facilities for the agricultural raising, harvesting and processing of marijuana; the wholesale distribution and storage of marijuana and marijuana products; and the production of goods from marijuana and marijuana products (Project); and

WHEREAS, marijuana production facilities would only be allowed pursuant to a Conditional Use Permit, a discretionary development permit subject to review under the California Environmental Act (CEQA), Public Resources Code sections 21100-21177; and

WHEREAS, the California State Legislature, through Business and Professions Code section 26055(h), has determined that CEQA does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval to engage in commercial cannabis activity; and

WHEREAS, the Planning Department has established that the portion of the Project regarding the future permitting of marijuana production facilities is statutorily exempt from CEQA pursuant to California Business and Professions Code section 26055(h); and

WHEREAS, the Council of the City of San Diego has considered the potential environmental effects of the Project, and

WHEREAS, on September 11, 2017, the City Council held a duly noticed public meeting and considered the written record for the Project as well as any public comment; and

WHEREAS, the Council of the City of San Diego, using its independent judgment determined that the Project will not have a significant effect on the environment; NOW, THEREFORE,

BE IT RESOLVED, that the Project is statutorily exempt from CEQA pursuant to California Business and Professions Code section 26055(h).

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon M. Thomas  
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
07/12/2017  
Or.Dept: Planning  
Doc. No.: 1538085

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 11 2017.

ELIZABETH S. MALAND  
City Clerk

By City Clerk  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

(Note: This resolution was returned unsigned by the Mayor's Office to the Office of the City Clerk on September 28, 2017. Pursuant to the San Diego Charter Section 295(a)(2), the Mayor has 10 business days from the date the resolution was transmitted to sign or veto the resolution, said deadline being close of business on September 27, 2017. Therefore the date of expiration of that time shall be deemed the date of its final passage.)

Passed by the Council of The City of San Diego on SEP 11 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 27 2017

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Atty. General, Deputy

Office of the City Clerk, San Diego, California

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